

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
February 21, 2018**

Name		Title	Present	Absent
Ashby, D.	Commissioner		X	
Bouyoukas, S.	Commissioner			X
Evans, K.	Commissioner		X	
Gavgani, M.	Commissioner/President		X	
Hardesty, J.	Commissioner		X	
Leikach, N.	Commissioner			X
Morgan, K.	Commissioner/Treasurer		X	
Oliver, B.	Commissioner		X	
Peters, R.	Commissioner		X	
St. Cyr, II, Z. W.	Commissioner/Secretary		X	
Toney, R.	Commissioner		X	
Yankellow, E.	Commissioner		X	
Bethman, L.	Board Counsel		X	
Felter, B.	Staff Attorney		X	
Speights-Napata, D.	Executive Director		X	
Fields, E.	Deputy Director of Operations		X	
Sanderoff, L.	Investigation/Supervisor		X	
Logan, B.	Legislation/Regulations Manager		X	
Brand, E.	Licensing Manager		X	
Evans, T.	Compliance Director		X	
Chew, C.	Management Associate		X	
Sanderoff, L.	Pharmacist Investigator Supervisor		X	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		2. Meetings Update – MPhA Mid-Year	<p>2. D. Speights-Napata provided a report on the MPhA mid-year meeting, also in attendance; Commissioners N. Leikach, R. Peters, and R. Toney.</p> <p>Aliyah Horton, Director of MPhA thanked the Board members for their representation and presentation during the mid-year meeting.</p>	
B. Operations Report	E. Fields, Deputy Director/ Operations	1. Administration and Public Support (APS) Unit Updates a) Financial Status January 2018 b) Rehabilitative Services Contract 2. Management Information Systems (MIS) Unit Updates - None	<p>a) A report on Board revenue and expenses through the month of January was provided. Board expenses are slightly more than revenue at this point, as anticipated.</p> <p>b) The Pharmacy Rehabilitative Services contract was submitted to the Department of Budget and Management; final action is anticipated for May 1st.</p>	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results																																													
C. Licensing	E. Brand/ Licensing Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table> <tr> <th>License Type</th><th>New</th><th>Renewed</th><th>Reinstated</th><th>Total</th></tr> <tr> <td>Distributor</td><td>14</td><td>2</td><td>0</td><td>1,197</td></tr> <tr> <td>Pharmacy</td><td>9</td><td>0</td><td>0</td><td>2,150</td></tr> <tr> <td>Pharmacist</td><td>34</td><td>465</td><td>0</td><td>11,682</td></tr> <tr> <td>Vaccination</td><td>17</td><td>18</td><td>0</td><td>4,627</td></tr> <tr> <td>Pharmacy Intern - Graduates</td><td>2</td><td>0</td><td>0</td><td>46</td></tr> <tr> <td>Pharmacy Intern - Students</td><td>15</td><td>16</td><td>0</td><td>836</td></tr> <tr> <td>Pharmacy Technician</td><td>100</td><td>384</td><td>2</td><td>9,740</td></tr> <tr> <td>TOTAL</td><td>191</td><td>885</td><td>2</td><td>30,278</td></tr> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	14	2	0	1,197	Pharmacy	9	0	0	2,150	Pharmacist	34	465	0	11,682	Vaccination	17	18	0	4,627	Pharmacy Intern - Graduates	2	0	0	46	Pharmacy Intern - Students	15	16	0	836	Pharmacy Technician	100	384	2	9,740	TOTAL	191	885	2	30,278		
License Type	New	Renewed	Reinstated	Total																																													
Distributor	14	2	0	1,197																																													
Pharmacy	9	0	0	2,150																																													
Pharmacist	34	465	0	11,682																																													
Vaccination	17	18	0	4,627																																													
Pharmacy Intern - Graduates	2	0	0	46																																													
Pharmacy Intern - Students	15	16	0	836																																													
Pharmacy Technician	100	384	2	9,740																																													
TOTAL	191	885	2	30,278																																													
D. Compliance	T. Evans Pharmacist Inspector	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 37 Resolved (Including Carryover) –0 Actions within Goal – 0/37 Final disciplinary actions taken – 4</p>																																															

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>Summary Actions Taken – 0 Average days to complete - 0</p> <p>Inspections:</p> <p>Total – 146 Annual Inspections - 132 Opening Inspections – 7 Closing Inspections – 4 Relocation/Change of Ownership Inspections – 1 Board Special Investigation Inspections – 2</p>		
E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<p><u>1. COMAR 10.34.34.05 Pharmacy Students</u></p> <p><u>2. COMAR 10.34.05.05 Security Responsibilities</u></p> <p><u>3. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></p> <p><u>4. COMAR 10.34.40 Pharmacist Prescribing and Dispensing Contraceptives</u></p>	<p>1. This regulation would allow first year pharmacy students to perform certain pharmacy duties under certain conditions. Final action was posted February 2nd, with an effective date of February 12th.</p> <p>2. This proposed regulation will not advance until the moratorium is lifted. Staff anticipates possibly posting the regulation in March 2018.</p> <p>3. The proposed regulation has a target posting date of March 2018, after the moratorium is lifted.</p> <p>4. The proposed action was printed in the February 16th</p>	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p><u>Legislation</u></p> <p><u>1. HB 88 Public Health – Prescription Drug Monitoring Program – Revisions-</u> The proposed legislative change will require the Prescription Drug Monitoring Program to report possible misuse or abuse to the Board of Pharmacy.</p> <p><u>2. HB 288 Health Occupations- Power of Secretary of Health- Boards and Commission-</u> This proposal would empower the Secretary of Health to vacate or modify a disciplinary decision of a health occupations board or commission to reduce the severity of the decision or determination.</p> <p><u>3. HB 358/ SB 313 - Crimes - Controlled Dangerous Substances - Volume Dealers-</u> This legislation adds the volumes of five (5) grams of Fentanyl, or any structural variation of Fentanyl, and 28 grams or more of any mixture containing a detectable amount of Fentanyl, or any structural variations of Fentanyl, to the list of controlled dangerous substances which are prohibited from</p>	<p>Maryland Register with a comment period ending March 19th. No comments have been received. The proposed action will allow Pharmacists to prescribe contraceptives. Final action will take place after the comments have been received. Final regulations are due by September 1st.</p> <p>1. No Position-Fiscal Note</p> <p>2. Opposed</p> <p>3. Letter of Support</p>	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>being manufactured, distributed, dispensed, or possessed.</p> <p><u>4. HB 517- Pharmacy Drug Monitoring Program- Data Request Exemption- Regional Anesthesia Patients-</u> This bill provides an exemption from the requirement to query the Prescription Drug Monitoring Program (PDMP) when prescribing or dispensing an opioid or benzodiazepine to treat or prevent acute pain, for a period of up to 14 days, following a surgical procedure in which regional anesthesia, including spinal and epidural techniques was used. The proposed legislation only addresses prescribers, not dispensers (pharmacists).</p> <p><u>5. HB 601 Public Health- Opioids- Dispensing-</u> The proposed legislation requires that an opioid be dispensed with a nontoxic composition designed to deactivate and dispose of the opioid.</p> <p><u>6. HB 653 Health Care Providers- Opioid Prescriptions- Discussion of Information and Risks-</u> This proposal would require certain “health care providers” to discuss the risk of certain opioids with certain patients. The bill relates to prescription, and not dispensing.</p> <p><u>7. HB 790 State Government - Maryland Program Evaluation Act - Periodic Full Evaluations-</u> The proposed bill will require that a comprehensive review of a governmental activity or unit contain input from consumers and citizens. The Board of Pharmacy would be mandated to conduct a monthly customer survey of all those whom it services in-person, via email inquiries, and who call the Board directly. Additionally, the Board of Pharmacy would</p>	<p>4. No Position</p> <p>5. No Position</p> <p>6. No Position</p> <p>7. No Position</p>	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>be mandated to survey individuals who file complaints against pharmacists and pharmacies.</p> <p><u>8. SB 169 Public Health – Prescription Drug and Medical Supply Access and Affordability Workgroup-</u> This proposal would require the Secretary of Health to convene a workgroup to study the advisability of Maryland forming a generic drugs and medical supplies purchasing cooperative and establishing Maryland as an open formulary state.</p> <p><u>9. SB 711 Health Occupations - Applications for Renewal of Licenses, Permits, Certifications, or Registrations - Available by Mail-</u> The proposed bill would require health occupation boards to send renewal applications via first-class mail, if requested by the licensee or permit holder. The Maryland Board of Pharmacy does not utilize electronic mail for these purposes.</p>	<p>8. Letter of Concern-The Workgroup envisioned does not include representation from the Pharmacy Board.</p> <p>9. No Position</p> <p>Following discussion, a motion to ratify all positions taken by the Legislative Committee was made by D. Ashby; 2nd by R. Toney.</p>	<p>The Board voted to approve this motion.</p>
<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>R. Peters, Chair</p>	<p><u>1. R. David. Pore concerns regarding implementation of the Drug Quality and Security Act (DQSA)</u></p> <p><u>2. Thai Huynh inquiry regarding whether Maryland has an MOU with FDA on distribution of compounded products and whether there are</u></p>	<p>1. Motion by D. Ashby to approve draft response; 2nd by K. Morgan</p> <p>2. Motion by K. Morgan to approve draft response; 2nd by D. Ashby.</p>	<p>1. Board voted to approve this motion.</p> <p>2. Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<u>volume restrictions on interstate distribution of traditionally compounded products.</u>	Editorial comments to both draft responses were noted by Z. St. Cyr, II	
B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a) #14883- The licensee renewed her license on October 12, 2017. She inadvertently indicated that she had not completed her CE requirement (Question 11). Even though the application was timely submitted and the fee was paid, the licensing specialist was unable to complete the processing prior to expiration because of the applicant's inadvertent error. The applicant is requesting a waiver of the reinstatement process and approval of the renewal. She is recently retired and has not practiced pharmacy since January 2017. She would like to maintain her Maryland license.</p> <p><u>Licensing Committee's Recommendation:</u> Approve waiver of reinstatement</p> <p>b) #14328- Applicant requests approval of Continuing Education hours.</p> <p><u>Licensing Committee's Recommendation:</u> Deny; the course is not sufficiently related to the practice of pharmacy.</p> <p>2. Review of Pharmacy Intern Applications: NONE</p> <p>3. Review of Pharmacy Technician Applications: NONE</p>	<p>a) Motion by Committee to approve waiver 2nd by K. Morgan.</p> <p>b) Motion by Committee to deny CE hours; 2nd by K. Morgan.</p>	<p>a) The Board voted to approve this motion.</p> <p>b) The Board voted to approve the motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications: NONE</p> <p>6. Review of Pharmacy Technicians Training Programs: NONE</p> <p>7. New Business: NONE</p>		
C. Public Relations Committee	E. Yankellow, Chair	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> • The Committee met January 24th and recapped the MPhA mid-year meeting. • The winter newsletter is pending one additional item, and will be issued in the near future. • Venues for the October 2018 CE Breakfast are carefully being explored by liaison J. Seeds. • The Committee is currently awaiting proposals from three vendors for the cost of issuing ACPE accreditations for the completion of the CE Breakfast in October. 		
D. Disciplinary	K. Morgan, Chair	<p>Disciplinary Committee Update:</p> <ul style="list-style-type: none"> • The Committee met on January 3rd and February 7th • A confidential discussion will be held in the Board's Closed Public Session. 		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
E. Emergency Preparedness Task Force	N. Leikach, Chair	Emergency Preparedness Update: None	.	
IV. Other Business & FYI	M. Gavgani, President			
V. Adjournment	M. Gavgani, President	<p>A. The Public Meeting was adjourned at 10:18 A.M.</p> <p>B. M. Gavgani convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, M. Gavgani, convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> <p>D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session.</p>	Motion to close the Public Board Meeting by D. Ashby; 2 nd by K. Evans.	The Board voted to approve this motion.